

## **EXHIBIT A**

Case 2:22-cv-01340-JHE Document 1-1 Filed 10/19/22 Fige 25/15/2022 4:13 PM

State of Alabama
Unified Judicial System

## COVER SHEET CIRCUIT COURT - CIVIL CASE

01-CV-2022-902775.00
Cat CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
O1 JACQUELINE ANDERSON SMITH, CLERK

Form ARCiv-93 Rev. 9/18	(Not For Do	omestic Relations Cases)	Date of Filing: 09/15/2022	Judge Code:	
	GE1	NERAL INFORMATION			
		URT OF JEFFERSON COUNT ER v. MACY'S RETAIL HOLDI	•		
First Plaintiff: Business Government	✓ Individual  ☐ Other	First Defendant: ☑ Bu	<u>=</u>	dividual her	
NATURE OF SUIT: Select prin	nary cause of action	, by checking box (check only one)	that best characterize	zes your action:	
TORTS: PERSONAL INJURY		OTHER CIVIL FILINGS (cont'd)  MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve  CVRT - Civil Rights COND - Condemnation/Eminent Domain/Right-of-Way CTMP - Contempt of Court CONT - Contract/Ejectment/Writ of Seizure			
<ul><li>☐ TOLM - Malpractice-Legal</li><li>☐ TOOM - Malpractice-Other</li><li>☐ TBFM - Fraud/Bad Faith/N</li><li>☐ TOXX - Other:</li></ul>		<ul> <li>☐ TOCN - Conversion</li> <li>☐ EQND - Equity Non-Dama Injunction Election</li> <li>☐ CVUD - Eviction Appeal/U</li> <li>☐ FORJ - Foreign Judgmen</li> <li>☐ FORF - Fruits of Crime Foreign</li> </ul>	n Contest/Quiet Title/ Inlawful Detainer t		
TORTS: PERSONAL INJURY  TOPE - Personal Property  TORE - Real Properly		<ul><li></li></ul>	extraordinary Writ/Ma Abuse From Abuse	andamus/Prohibition	
OTHER CIVIL FILINGS  ABAN - Abandoned Automobile  ACCT - Account & Nonmortgage  APAA - Administrative Agency Appeal  ADPA - Administrative Procedure Act  ANPS - Adults in Need of Protective Service		<ul> <li>□ QTLB - Quiet Title Land Bank</li> <li>□ FELA - Railroad/Seaman (FELA)</li> <li>□ RPRO - Real Property</li> <li>□ WTEG - Will/Trust/Estate/Guardianship/Conservatorship</li> <li>□ COMP - Workers' Compensation</li> <li>□ CVXX - Miscellaneous Circuit Civil Case</li> </ul>			
ORIGIN: F ✓ INITIAL FILING  A ☐ APPEAL FROM DISTRICT COURT  R ☐ REMANDED  T ☐ TRANSFERRED FROM OTHER CIRCUIT COURT					
HAS JURY TRIAL BEEN DEMA	NDED? ✓YES	INO	s" does not constitute a o 38 and 39, Ala.R.Civ.P,		
RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED					
ATTORNEY CODE:  LAT021	9/15 Date	7/2022 4:13:28 PM		ERGOTTI LATTIMO cy/Party filing this form	
MEDIATION REQUESTED:  ☐ YES ☑NO ☐ UNDECIDED					
Election to Proceed under the Alabama Rules for Expedited Civil Actions: ☐ YES ✓ NO					

22 9/15/2022 4:13 PM 9/15/2022 4:13 PM 01-CV-2022-902775.00 CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA JACQUELINE ANDERSON SMITH, CLERK

#### IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER WALKER, an individual	)	
	)	
Plaintiff,	)	
	)	
<b>v.</b>	)	CIVIL ACTION NO.: CV-2022

MACY'S RETAIL HOLDINGS, LLC, a foreign corporation; There may be other entities whose true names and identities are unknown to the Plaintiff at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by the Plaintiff when their true names and identities are accurately ascertained by further discovery. Until that time, the Plaintiff will designate these parties in according with ARCP 9(h). The work "entity" as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnership, any and all types of corporations and unincorporated associations. The symbol by which these party Defendants are designated is intended to include more than one "entity". In the present action, the party Defendant(s) whom the Plaintiff must include by descriptive characterization are as follows:

No. 1, whether singular or plural, that person or persons, individual or individuals, entity or entities, Plaintiff hereby intending to designate the entity known only to the Plaintiff as Macy's;

No. 2, whether singular or plural, that person or persons, individual or individuals, entity or entities, who or which owned, maintained or had any interest in the premises known as Macy's;

No. 3, whether singular or plural, that person or persons, individual or individuals, entity or entities who or which were contracted to maintain and inspect the premises of Macy's;

No. 4, whether singular or plural, that person or persons, individual or individuals, entity or entities who or which were contracted to maintain and inspect the escalators of Macy's:

No. 5, whether singular or plural, that entity or entities, the persons, corporations, or other legal entities which were responsible for, built, installed, maintained, or inspected the premises of Macy's;

No. 6, whether singular or plural, that entity or entities, the persons, corporations, or other legal entities who had responsibility for or undertook inspecting or otherwise were responsible for maintenance on the premises known as Macy's where the Plaintiff was injured;

No. 7, whether singular or plural, that entity or entities, including, but not limited to general liability insurance carrier of the entity which owned, occupied or maintained the premises involved in the occurrence made the basis of this lawsuit;

No. 8, whether singular or plural, that entity or those entities, who or which provided any insurance coverage, of whatever kind or character, for any of the named defendants or fictitious parties defendant listed or named herein;

No. 9, whether singular or plural, that entity or those entities whose negligence, or wantonness, or other wrongful conduct contributed to cause the occurrence made the basis of Plaintiff's Complaint;

No. 10, whether singular or plural, that entity or those entities other than entities described above, which is the successor in interest of any of those entities described above;

Plaintiff avers that the identities of the fictitious party defendants, numbers 1 through 9, herein is otherwise unknown to Plaintiff at this time or, if their names are known to Plaintiff their identities as proper party defendants are not known to Plaintiff at this time, and their true names will be substituted by amendment when ascertained,

Defendants.

#### **COMPLAINT**

COMES NOW the **Plaintiff**, **JENNIFER WALKER**, and files this Complaint alleging as follows:

### **STATEMENT OF THE PARTIES**

- 1. The **Plaintiff**, **JENNIFER WALKER**, is over the age of nineteen (19) years and is a resident of Jefferson County, Alabama.
- 2. **Defendant**, **MACY'S RETAIL HOLDINGS**, **LLC**, (hereinafter "Macy's"), was, at all material and relevant times, a foreign corporation, doing business in Jefferson County, Alabama, at the time of the occurrence forming the basis of this civil action.

#### STATEMENT OF THE FACTS

3. On September 20, 2020, Plaintiff Jennifer Walker, was a business invitee on the premises at the Macy's located at 614 Brookwood Village, Mountain Brook, AL 35209. On that date and at that time, Defendant Macy's owned, operated, and had control over the store in question.

## 

- 4. While inside the store, Mrs. Walker was caused to fall at the foresaid time and place due to an escalator malfunction, resulting in serious injuries.
- 5. As a proximate consequence thereof, Plaintiff, Jennifer Walker, suffered injuries and damages, including but not limited to:
  - a) Severe physical injuries;
  - b) Mental anguish and emotional distress;
  - c) Physical pain and discomfort;
  - d) Past, present and future medical expenses.
- 6. Plaintiff, Jennifer Walker, alleges that the injuries, including but not limited to those stated above in Paragraph Five (5) are a proximate consequence of the negligent, reckless, wanton, and/or wrongful conduct of the Defendants.

### **COUNT I NEGLIGENCE**

- 7. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 6 of the Complaint.
- 8. Plaintiff further alleges that the Defendants, both named and fictitious, negligently maintained the area where the Plaintiff was injured and negligently failed to insure safe and hazardfree premises in the area where the Plaintiff was injured.
- 9. Plaintiff further alleges that the Defendant, had a duty to provide a safe, secure and hazard-free establishment for patrons on said premises.
- 10. Plaintiff further alleges that the Defendant was negligent or wanton in its maintenance of the escalator where the Plaintiff fell, and that the Defendant's negligence or wantonness rendered said area a hazard and created an otherwise dangerous condition for individuals, including the Plaintiff.

- 11. Plaintiff further alleges that the Defendants, both named and fictitious, negligently caused and/or allowed an inherently dangerous condition to exist on said premises and failed to warn the Plaintiff or others about such dangers.
- 12. Defendant acted negligently or wantonly in breaching its duty and failing to provide a hazard-free environment for its invitees.
- 13. The Plaintiff further alleges that, as a direct and proximate result of aforesaid negligence on the part of the Defendants, both named and fictitious, Plaintiff was proximately caused to suffer the following injuries and damages, to wit:
  - Plaintiff was caused to suffer injuries to her body; a.
- Plaintiff was caused to seek medical treatment in an effort to heal and cure b. her injuries;
- Plaintiff was caused to incur hospital bills, doctors' bills and prescription c. expenses in an effort to cure her injuries and will be caused to incur additional bills in the future;
  - d. Plaintiff was caused to suffer physical pain and discomfort;
  - Plaintiff was caused to suffer mental anguish and distress; e.
- 14. Plaintiff avers that on said occasions, the negligence of Defendants, both named and fictitious, caused the Plaintiff to be injured and damaged as set forth above.

WHEREFORE, Plaintiff hereby demands of the Defendants, jointly and severally, compensatory and punitive damages in an amount in excess of the jurisdictional requirements of this Court, plus costs.

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**COUNT II** FICTITIOUS DEFENDANTS

15. Plaintiff hereby adopts and incorporates the entirety of paragraphs one (1) through

fourteen (14) hereinabove, as though set out fully herein.

Plaintiff avers that Fictitious Defendants No. 1-10 combined and concurred to 16.

directly and proximately cause Plaintiff's injuries set out in COUNT 1 hereinabove. Fictitious

Defendants No. 1-10, whose current names and identities are unknown to Plaintiff at the present

time, or whose status as proper party defendants to this action is unknown to Plaintiff at the present

time, will be correctly identified and added by amendment when ascertained.

WHEREFORE, Plaintiff hereby demands of the Defendants, jointly and severally,

compensatory and punitive damages in an amount in excess of the jurisdictional requirements of

this Court, plus costs.

Respectfully submitted this 15th day of September, 2022.

/s/ Will Lattimore

WILL LATTIMORE (LAT021)

**OF COUNSEL:** 

TURNBULL, HOLCOMB, & LEMOINE, P.C.

2101 6<sup>th</sup> Avenue North, Suite 1100

Birmingham, AL 35203

Telephone: (205) 831-5040

Facsimile: (205) 848-6300

wlattimore@turnbullfirm.com

/s/Robert L. Beeman, II

**ROBERT BEEMAN II (BEE009)** 

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#### 

### OF COUNSEL: BEEMAN LAW FIRM

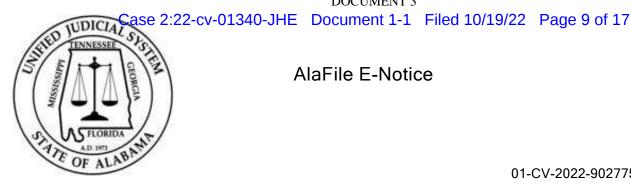
P.O. Box 253 Helena, AL 35080

Telephone: (205) 422-9015 Facsimile: (800) 693-5150 Rlbsportsmgnt12@gmail.com

## THE PLAINTIFF HEREBY DEMANDS A STRUCK JURY FOR THE TRIAL OF THIS CAUSE.

## TO CLERK: PLEASE SERVE DEFENDANT BY CERTIFIED MAIL AT THE FOLLOWING ADDRESS:

Macy's Retail Holdings, LLC c/o Corporate Creations Network, Inc. 4000 Eagle Point Corporate Drive Birmingham, AL 35242



#### AlaFile E-Notice

01-CV-2022-902775.00

To: WILLIAM ALBERGOTTI LATTIMORE II wlattimore@turnbullfirm.com

## NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

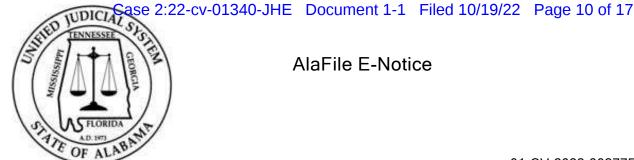
JENNIFER WALKER V. MACY'S RETAIL HOLDINGS, LLC 01-CV-2022-902775.00

The following complaint was FILED on 9/15/2022 4:13:38 PM

Notice Date: 9/15/2022 4:13:38 PM

> JACQUELINE ANDERSON SMITH CIRCUIT COURT CLERK JEFFERSON COUNTY, ALABAMA JEFFERSON COUNTY, ALABAMA 716 N. RICHARD ARRINGTON BLVD. BIRMINGHAM, AL, 35203

> > 205-325-5355 jackie.smith@alacourt.gov



#### AlaFile E-Notice

01-CV-2022-902775.00

To: MACY'S RETAIL HOLDINGS, LLC 4000 EAGLE PT. CORP. DR. BIRMINGHAM, AL, 35242

## NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER WALKER V. MACY'S RETAIL HOLDINGS, LLC 01-CV-2022-902775.00

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> > 205-325-5355 jackie.smith@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017

## SUMMONS - CIVIL -

**Court Case Number** 01-CV-2022-902775.00

Form C-34 Rev. 4/2017		- CIVIL -	01-01-2022-302113.00			
IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA						
JENNIFER WALKER V. MACY'S RETAIL HOLDINGS, LLC						
NOTICE TO: MACY'S RETAIL	HOLDINGS, LLC	, 4000 EAGLE PT. CORP. DR., BIRMINGHAM, AL 3524 (Name and Address of Defendant)				
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), WILLIAM ALBERGOTTI LATTIMORE II						
		[Name(s) of Attorney(s)]	-			
WHOSE ADDRESS(ES) IS/A	RE: 2101 6th	Avenue N., Ste. 1100, BIRMINGHAM, AL 3				
[Address(es) of Plaintiff(s) or Attorney(s)]  THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.						
TO ANY SHER		Y PERSON AUTHORIZED BY THE AL PROCEDURE TO SERVE PROCESS:				
☐ You are hereby comma		ve this Summons and a copy of the Cor				
this action upon the abo	ove-named [	Defendant.				
Service by certified mai	il of this Sum	imons is initiated upon the written reque				
pursuant to the Alabam	a Rules of th	ne Civil Procedure.	[Name(s)]			
09/15/2022		/s/ JACQUELINE ANDERSON				
(Date)		(Signature of Clerk)	(Name)			
✓ Certified Mail is hereby requested.  /s/ WILLIAM ALBERGOTTI LATTIMORE II  (Plaintiff's/Attorney's Signature)						
		RETURN ON SERVICE				
Return receipt of certific	ed mail recei	ved in this office on				
_			(Date)			
	y delivered a	copy of this Summons and Complaint	or other document to			
		inin	County,			
	erson Served)	(Na	ame of County)			
Alabama on	(Data)	·				
	(Date)		(Address of Server)			
(T. 10			(Address of Server)			
(Type of Process Server)		(Server's Signature)				
		(Server's Printed Name)	(Phone Number of Server)			



## NOTICE TO CLERK

## REQUIREMENTS FOR COMPLETING SERVICE BY CERTIFIED MAIL OR FIRST CLASS MAIL

### IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA JENNIFER WALKER V. MACY'S RETAIL HOLDINGS, LLC

01-CV-2022-902775.00

To: CLERK BIRMINGHAM clerk.birmingham@alacourt.gov

**TOTAL POSTAGE PAID: \$8,30** 

Parties to be served by Certified Mail - Return Receipt Requested

MACY'S RETAIL HOLDINGS, LLC

4000 EAGLE PT. CORP. DR.

BIRMINGHAM, AL 35242

Parties to be served by Certified Mail - Restricted Delivery - Return Receipt Requested

Parties to be served by First Class Mail

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	DELIVERY
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> <li>Article Addresser to:</li> </ul>	A. Signature  X  B. Received by (Printed Name)  D. In delivery effice at life and form	☐ Agent ☐ Addressee C. Date of Delivery
MACY'S RETAIL HOLDINGS, LLC 4000 EAGLE PT. CORP. DR. BIRMINGHAM, AL 35242	D. Is delivery address different from if YES, enter delivery address I	pelow: □ No /C
9590 9402 6310 0274 7136 31	3. Service Type  Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery all all Restricted Delivery all all Restricted Delivery	☐ Priority Mail Express® ☐ Registered Mail" ☐ Registered Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

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City, State, ZiP+4* PS Form 3890, April 2015 ™94 7530-02-000-9747 Sue Reverse for Instructions	Sent To Street and Apt. No., or PO Box No.	Adult Signature Restricted Delivery \$ Postage   Fortial Postage and Fees   Fe	Extra Services & Fees (check box, and see as appropriate)    Return Recept (declarable)   Return Recept (declarable)   Return Recept (declarable)   Conflict Mail Restricted Delivery   Adult Signature Required   Adult Signature Required   \$ Here	For delivery information, visit our website at www.usps.com*.	U.S. Postal Service <sup>th</sup> CERTIFIED MAIL® RECEIPT Domestic Mail Only

# NDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the maiipiece, or on the front if space permits.
- 1. Article Addressed to:

MACY'S RETAIL HOLDINGS, LLC 4000 EAGLE PT. CORP. DR. BIRMINGHAM, AL 35242



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Ą,	Signature	

☐ Agent □ Addressee B. Received by (Printed Name) C. Date of Delivery ane wang 2007

D. Is delivery address different from item 1? If YES, enter delivery address below: 

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(V- 22-902775

- Service Type
- Adult Signature
- Adult Signature Restricted Delivery
- XI Certified Mail®
- Certified Mail Restricted Delivery
- ☐ Callect on Delivery
- Collect on Delivery Restricted Delivery

all Restricted Delivery

- ☐ Priority Mail Express®
- C) Registered MailTM
- ☐ Registered Mail Restricted Delivery
- M Signature Confirmation\*\*
- Signature Confirmation

Restricted Delivery

Case 2:22-cv-01340-JHE Document 1-1



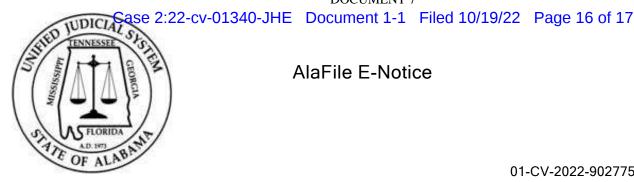
First-Class Mail Postage & Fees Paid USPS Permit No. G-10

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**United States Postal Service**  Sender: Please print your name, address, and ZIP+4® in this box

JACQUELLIE ANDERSON SHITH, CLERK ROUM AND HER CO COURTHOUSE 713 RICHARD AMRIMETON IR BLVD., NO. Charles Tired. ALASAMA 35203

CIRCUIT CIVIL OFFICE LI Sep 23 My JACQUELINE ANDERSON SMITH



#### AlaFile E-Notice

01-CV-2022-902775.00

Judge: ROBERT S. VANCE

To: LATTIMORE WILLIAM ALBERGO wlattimore@turnbullfirm.com

## NOTICE OF SERVICE

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER WALKER V. MACY'S RETAIL HOLDINGS, LLC 01-CV-2022-902775.00

The following matter was served on 9/20/2022

**D001 MACY'S RETAIL HOLDINGS, LLC Corresponding To CERTIFIED MAIL** 

> JACQUELINE ANDERSON SMITH CIRCUIT COURT CLERK JEFFERSON COUNTY, ALABAMA JEFFERSON COUNTY, ALABAMA 716 N. RICHARD ARRINGTON BLVD. BIRMINGHAM, AL, 35203

> > 205-325-5355 jackie.smith@alacourt.gov

DOCUMENT 7
se 2:22-cv-01340-JHE Document 1-1 Filed 10/19/22 Page 17 of 17



01-CV-2022-902775.00

Judge: ROBERT S. VANCE

To: BEEMAN ROBERT LEE II rlbsportsmgnt12@gmail.com

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

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D001 MACY'S RETAIL HOLDINGS, LLC

Corresponding To

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